






**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **April 3, 2008**

TO: **Mayor and Members of the City Council**

FROM: **Hanson Hom, Community Development Director** 

THROUGH:  **Amy Chan, City Manager** 

RE: **Opportunity for Council to appeal decisions of the Planning Commission of March 24, 2008 and the Administrative Hearing of March 31, 2008.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
March 24, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 - Study Session – West Conference Room

Meeting called to order.

1. **Training: Staff Review of Projects in Adjacent Cities** (*45 minutes*)
2. **Public Comment on Study Session Agenda Items** (*5 minutes*)
3. **Comments from the Chair** (*5 minutes*)

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Sulser presiding.

ROLL CALL

Members Present: Chair Brandon Sulser; Vice Chair Harriet Rowe; Commissioner Laura Babcock; Commissioner Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; and Comm. David Simons.

Staff Present: Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of March 10, 2008

Chair Sulser said there are many corrections to the draft Code of Ethics/Code of Conduct detailed minutes of March 10, 2008. He suggested these minutes be pulled, for staff to make the corrections and for the Commission to review the corrected draft at the next meeting.

Comm. Klein said he would prefer to continue all the minutes of March 10, 2008 to the April 14, 2008 meeting to allow staff time to make corrections provided by the Commissioners.

ACTION: Comm. Klein made a motion to postpone the approval of the minutes of March 10, 2008 to April 14, 2008. Vice Chair Rowe seconded. Motion carried, 6-0-1, Comm. Chang abstaining.

Chair Sulser added that Comm. Chang was absent from the meeting of March 10, 2008 due to illness. Chair Sulser requested that the minutes of March 10, 2008 be changed to reflect the reason for Comm. Chang's absence.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2008-0122:** Application for a Design Review to allow an approximately 1,930 square foot one and two-story addition to an existing 754 square foot home totaling 2,684 square feet resulting in a 54.7% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review. The property is located at **800 Acacia Avenue** (at N. Fair Oaks Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 205-45-060) NC (*Applicant requests continuance to May 12, 2008*)

ACTION: Comm. Simons made a motion on 2008-0122 to continue this item to May 12, 2008. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item.

Godofredo Alfaro, the applicant, asked staff why it is taking so long to make a decision on this project. Ms. Caruso said she does not have the details why this item has been requested to be continued to May 12, 2008 and that staff would talk with the project planner tomorrow. She said she does not know if this file is incomplete or if there is incomplete information.

Chair Sulser asked Mr. Alfaro if he would be unable to attend the May 12, 2008 meeting and said he could provide testimony this evening if he would like to. Mr. Alfaro said his architect is not present this evening, but some of his neighbors may want to provide testimony.

Vice Chair Rowe commented to Mr. Alfaro that the agenda indicates that the applicant has requested the continuance for this item to May 12, 2008 and not the City. Mr. Alfaro said he was not aware of the request to May 12, 2008.

Ms. Caruso said she has no further background information on this item and if Mr. Alfaro would like to wait until after the second public hearing item tonight, which should

not take long, that she would talk with him about this process. Mr. Alfaro said that would be okay.

2. **2008-0115:** Application for a Special Development Permit to allow an approximately 497 square foot single-story addition to the rear of an existing 1,986 square foot two-story home resulting in a total Floor Area Ratio (FAR) of 67% and a lot coverage of 42.5%. The property is located at **1032 East Ahwanee Avenue** (near San Tomas St.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 205-07-053) NC

ACTION: Vice Chair Rowe made a motion on 2008-0115 to approve the Special Development Permit with attached conditions. Comm. Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 8, 2008.

NON-AGENDA ITEMS AND COMMENTS

- **COMMISSIONERS' ORAL COMMENTS**

Vice Chair Rowe said, in looking over the minutes and the reports, that the last day the Commission had to offer comments to the City Council regarding recommendations for changes to the Code of Ethics/Code of Conduct was March 11, 2008. She said the report is going to the Council on April 8, 2008. She said that the Council made changes to the draft at a Council meeting and that the Commission has not had the opportunity to comment about those specific changes because they did not receive that information. She said at the March 10, 2008 meeting that she asked staff to provide the Council information to the Commission. Ms. Caruso said that she is not familiar with the Council making changes to the draft. Vice Chair Rowe said that Council had discussed this issue and one of the subjects discussed was the contact between the Planning Commission and Council members. Ms. Caruso said staff would find those results and send them to Vice Chair Rowe by e-mail.

- **STAFF ORAL COMMENTS**

City Council Meeting Report

Ms. Caruso said that the City Council met once, March 18, 2008, since the previous Planning Commission meeting. She said that Council heard one item related to Planning approving the acceptance of a one-acre park in the new Industrial-to-Residential area by Duane and Lawrence.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:27 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerry Caruso", is written over a horizontal line.

Gerry Caruso
Principal Planner



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, March 31, 2008

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2008-0102 – Russell W. Thompson [Applicant] **Thompson Russell W ad Tiffany** [Owner]: Application for a **Special Development Permit** to allow converting an existing duplex into two condominiums. The property is located at **866 East Evelyn Avenue** (near S. Wolfe Rd.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 213-03-002) SB

ACTION: Approved with modified conditions regarding utilities.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, April 15, 2008.

2008-0110 – Application for a Use Permit to allow a 9' 6" fence in the front yard. The property is located at **911 E. Homestead Road** (at Nightingale Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 313-38-033) SB

ACTION: Approved with a modified condition adding clarifying language on landscaping condition 4.B.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, April 15, 2008.

2008-0131: Application for a Variance to allow a 25' tall accessory utility building (free-standing aerial rope apparatus) in the rear yard of a single-family residence. The property is located at **1110 Breezewood Ct.** (at Palamos Avenue) in an R-0 (Low Density Residential) Zoning District. (APN: 104-26-024) RZ

ACTION: Denied due to the inability to make the findings.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, April 15, 2008.

2008-0183: Application for related proposals located at **795 Nisqually Drive** (near Lewiston Drive) in an R-1 (Low Density Residential) Zoning District. (APN: 323-23-006) NC;

- **Use Permit** to allow two accessory utility buildings to be located between the face of the house and public street;
- **Variance** to allow a side yard setback of 1' and 2' 6" where a 6' minimum is required.

ACTION: Denied due to the inability to make the findings.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, April 15, 2008.

2008-0194 – Arnold Gandeza [Applicant] **Maple Leaf Invs Ii LLC.** [Owner]: Application for a Special Development Permit to utilize an existing tenant space for a banquet hall, including live entertainment. The property is located at **907 E. Duane Ave.** (near San Rafael Street) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.(APN: 205-12-003) RZ

ACTION: Approved with modified conditions; that no alcohol sales or consumption may take place on the premises; that a maximum occupancy sign be visible showing a maximum occupancy of fifty people; and the hours of operation will remain the same.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, April 15, 2008.